

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Clarksburg Division

ELECTRONICALLY
FILED
Sep 08 2017
U.S. DISTRICT COURT
Northern District of WV

VANESSA FROGGE,

Plaintiff,

v.

CIVIL ACTION NO.: 1:17-cv-155 (Keeley/Aloi)

CRAIG FOX,

Defendant.

NOTICE OF REMOVAL

NOW COMES Defendant, Craig Fox, by and through counsel Keith C. Gamble, Nathan A. Carroll, and the law firm of Pullin, Fowler, Flanagan, Brown & Poe, PLLC, pursuant to 28 U.S.C. § 1446, files this “Notice of Removal” and hereby gives notice of removal of this action from the Circuit Court of Monongalia County, West Virginia, Civil Action No. 17-C-235, to the United States District Court for the Northern District of West Virginia, at Clarksburg, and in support hereby states as follows:

1. The Plaintiff, Vanessa Frogge, filed her Amended Complaint in the above-captioned civil action in the Circuit Court of Monongalia County, West Virginia, on or about August 29, 2017, in designated Civil Action No. 17-C-235. A copy of the Amended Complaint¹ is attached hereto as “**Removal Notice Exhibit 1.**”

2. In Plaintiff’s Amended Complaint, Plaintiff alleges a single count of discrimination and/or violation under the Americans with Disabilities Act of 1990 pursuant to 42 U.S.C. § 12101, against Craig Fox as an individual. *See Removal Notice Exhibit 1.* The Amended Complaint, sparse in contents, alleges the Defendant discriminated against the Plaintiff pursuant to the Americans with

¹ Due to the sensitive nature of certain documents attached to Plaintiff’s Amended Complaint, some attachments have been left out for purposes of protecting Plaintiff’s personal information.

Disabilities Act.

3. Pursuant to 28 U.S.C. § 1441(a), any civil action brought in a State of which the district courts of the United States have original jurisdiction may be removed by the defendants(s) to the district court of the United States for the district and division embracing where such action is pending. This suit may be removed to the Federal Court by the Defendant because Federal Courts have original jurisdiction over suits premised upon 42 U.S.C. § 12101.

4. Removal of this action to this Court is proper pursuant to 28 U.S.C. § 1441 because the Circuit Court of Monongalia County, West Virginia, is located within the geographical area embraced by the United States District Court for the Northern District of West Virginia under 28 U.S.C. § 129.

5. A copy of the Docket Sheet for Civil Action No. 17-C-235 in the Circuit Court of Monongalia County, West Virginia, is attached hereto as “**Removal Notice Exhibit 2.**”

6. A true and correct copy of this “Notice of Removal” will be filed promptly with the Circuit Clerk of Monongalia County, West Virginia, and written notice thereof given to *pro se* Plaintiff, Vanessa Frogge, in accordance with 28 U.S.C. § 1446(d). The “Notice of Filing Notice of Removal” is attached hereto as “**Removal Notice Exhibit 3.**”

WHEREFORE, Defendant, Craig Fox, removes the above-entitled civil action from the Circuit Court of Monongalia County, West Virginia, to this Court.

Respectfully submitted this 8th day of September, 2017.

/s/ Nathan A. Carroll

Keith C. Gamble, WVSb # 7971

Nathan A. Carroll, WVSb # 12526

PULLIN, FOWLER, FLANAGAN, BROWN & POE, PLLC

2414 Cranberry Square

Morgantown, WV 26508

Telephone: (304) 225-2200

Counsel for Craig Fox

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Clarksburg Division

VANESSA FROGGE,

Plaintiff,

v.

CIVIL ACTION NO.: _____

CRAIG FOX,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on 8th of September, 2017, I presented the foregoing *Notice of Removal* to the Clerk of the Court for filing and uploading to the CM/ECF system and was served upon opposing pro se by depositing same to them in the U.S. Mail, postage prepaid, sealed in an envelope, and addressed as follows:

Vanessa Frogge
39 Madeline Circle
Morgantown, WV 26508
Pro Se Plaintiff

/s/ *Nathan A. Carroll*

Keith C. Gamble, WV State Bar No. 7971
Nathan A. Carroll, WV State Bar No. 12526